

# Exhibit A



**Harvard Pilgrim  
Health Care**

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## **FAX COVER SHEET**

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**DATE: NOVEMBER 29, 2005 11:09 PM**

**PAGES (INCLUDING COVER) 2**

**TO: IRENE S. FIORENTINOS, ESQ.  
JONES DAY  
FAX: (312) 782-8585**

**FROM: MATT HERNDON  
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**COMMENTS:**



## Harvard Pilgrim Health Care

November 29, 2005

Via Facsimile & U.S. Mail  
(312) 782-8585

Irene S. Fiorentinos, Esq.  
Jones Day  
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Re: In re Pharmaceutical Industry Average Wholesale Price Litigation and Harvard Pilgrim Health  
Care Subpoena

Dear Ms. Fiorentinos:

This will confirm our conversation yesterday concerning the subpoena served electronically upon Harvard Pilgrim Health Care on Wednesday, November 23, 2004 in connection with the above referenced litigation. While Harvard Pilgrim expressly reserves the right to object to the subpoena for documents and testimony on all grounds available to us, Harvard Pilgrim and Jones Day on behalf of all defendants have agreed to postpone both the production of documents scheduled for November 30, 2005 and testimony scheduled for December 2, 2005 while we further review your request.

As we discussed, Harvard Pilgrim responded to an earlier subpoena in 2004 served by another defendant in this matter by providing numerous documents and testimony by Harvard Pilgrim employees. We understand that your recent subpoena for documents and additional testimony is meant to "complete discovery previously served on Harvard Pilgrim." Harvard Pilgrim contends that we have complied with all outstanding discovery requests as a third-party witness pursuant to our agreement with defendants' counsel at the firm of Patterson, Belknap, Webb & Tyler, LLP with respect to the initial subpoena.

Based on our discussion, we also understand that the plaintiffs in this litigation have filed a motion for a protective order in connection with your recent subpoena on Harvard Pilgrim. If this motion is granted, we understand that no further action will be required by Harvard Pilgrim.

Notwithstanding our significant concerns about responding to another subpoena for documents and testimony over a year later, we have agreed to review your additional request for information consistent with our past approach of cooperation where reasonable and not unduly burdensome. Again, Harvard Pilgrim reserves the right to object to the subpoena after we conduct this review.

We will plan to speak with you later in the week concerning this matter.

Sincerely,

Matthew H. Herndon

cc: Lori Jackson

# Exhibit B

**Exhibit B**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

) MDL No. 1456

) Civil Action No.

) 01-CV-12257-PBS

THIS DOCUMENT RELATIONS TO ALL  
ACTIONS

) Judge Patti B. Saris

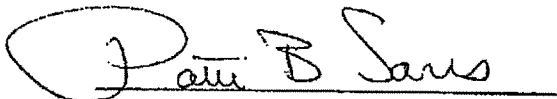
**[PROPOSED] ORDER DENYING PLAINTIFFS'  
MOTION FOR A PROTECTIVE ORDER REGARDING  
SUBPOENAS TO PUTATIVE CLASS MEMBERS**

For the reasons stated in open Court at the Status Conference on March 8, 2004,

Plaintiffs' Motion for a Protective Order Regarding Subpoenas to Putative Class Members

[Docket No. 632] hereby is DENIED.

*april*  
Dated: March *8/6*, 2004



The Honorable Patti B. Saris

# Exhibit C



**From:** ECFnotice@mad.uscourts.gov  
**Sent:** 11/2/2004 3:52:31 PM  
**To:** CourtCopy@mad.uscourts.gov  
**CC:**  
**BCC:**  
**Subject:** Activity In Case 1:01-cv-12257-PBS Citizens for Consume, et al v. Abbott Laboratories,, et al "Order on Motion to Compel"

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United States District Court  
District of Massachusetts

**Notice of Electronic Filing**

The following transaction was received from Bowler, Marianne entered on 11/2/2004 at 3:52 PM EST and filed on 11/2/2004

**Case Name:** Citizens for Consume, et al v. Abbott Laboratories,, et al  
**Case Number:** 1:01-cv-12257 <https://ecf.mad.uscourts.gov/cgi-bin/DktRpt.pl?77895>

**Document Number:**

Copy the URL address on the line below into the location bar of your Web browser to view the document:

**Docket Text:**

Judge Marianne B. Bowler: Electronic ORDER entered granting in part and denying in part [996] Motion to Compel to the extent set forth in the ruling on Docket Entry # 1068. Electronic Order denying [1068] nonparties' Motion to Quash, consistent with the reasoning employed by the court at the March 8, 2004 status conference. The nonparties are ordered to appear at the noticed depositions which, absent an agreement among all participating entities, shall be taken within the next 30 days. The subject matter shall be item numbers 1-3, 5-7, 11-13, 16-17 and 20-21 as set forth in the list attached to the August 23, 2004 letter (Docket Entry # 170, Ex. F) which reiterates topics encompassed in the list of documents to be produced attached to the re-noticed deposition subpoenas (Docket Entry # 1018, Ex. E-G). As agreed to in open court by defendants, they shall pay the reasonable costs of transportation and related expenses, reasonable attorney's fees and lost income incurred by witnesses. Electronic Order denying Motion to Compel [1090], in accordance with the prior ruling of Judge Saris on April 26, 2004 (Docket Entry # 818), inasmuch as the prior motion (Docket Entry # 632) requested an accounting of all communications between defendants and putative class members and that motion was denied. (Bowler, Marianne)

The following document(s) are associated with this transaction:

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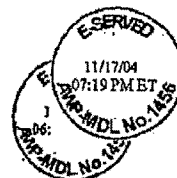
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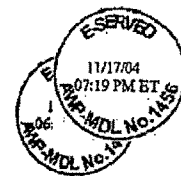


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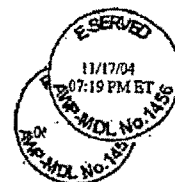
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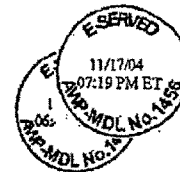
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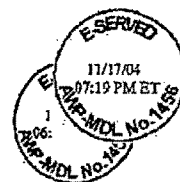
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